IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 4978 of 2005

Between:

S.Srinivasulu, S/o.Venkatramudu,
R/o.Iragampalli village, Kothacheruvu Mandal,
Ananthapur Dist.

..... PETITIONER

AND

1 The District Collector, Ananthapur District.
2 The Revenue Divisional officer, Penukonda, Ananthapur District.
3 The Mandal Revenue officer, Kothacheruvu Mandal, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 3rd respondent in not allotting the stocks to authorised person as per the appointment order issued by the 2nd respondent to the petitioner vide proceedings Rc.No.878/2004 dt.15-6-2004, as illegal, arbitrary and unauthorised further declare that the petitioner is entitled to continue to distribute Essential commodities till regular dealer is appointed on a permanent basis and declare that so long as the proceedings Rc.No.878/2004, dt.15-6-2004 is in force and subsisting no third party can be authorised to run the F.P.shop at Irugampalli village, Kothacheruvu Mandal, Ananthapur District.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing on behalf of the respondents and with their consent the writ petition is taken up for disposal at the stage of admission.

Questioning the action of respondent No.3-Mandal Revenue Officer, Kothacheruvu Mandal, Ananthapur District in not allotting essential commodities to the petitioner who was appointed as temporary dealer for the Fair Price Shop, Iragam Palli village by the second respondent-Revenue Divisional Officer, Penukonda, Ananthapur District in proceedings in Rc.No.878/2004, dated 15-6-2004, the petitioner filed this writ petition.

The petitioner states that the third respondent-Mandal Revenue Officer recommended to the second respondent-Revenue Divisional Officer to appoint one S. Venkatramanamma, S/o Venkataramudu as temporary dealer for the fair price shop in question, but the second respondent-Revenue Divisional Officer appointed the petitioner as temporary dealer. The grievance of the petitioner is that though he is having valid licence and his appointment as temporary dealer is subsisting and though he paid necessary amount by way of demand draft, the third respondent-Mandal Revenue officer is not releasing the stocks to him, which is illegal and arbitrary. Hence, the writ petition.

This Court ordered notice before admission on 11-3-2005, but no counter-affidavit has been filed on behalf of the respondents and no instructions have been obtained by the Government Pleader till today.

It is submitted by the learned counsel for the petitioner and admitted to by the Government Pleader for Civil Supplies that as per the procedure in vogue, Revenue

Divisional Officer is competent to appoint a temporary dealer for distribution of essential commodities through fair price shop.

Under the circumstances, instead of keeping the writ petition pending, I deem it appropriate to direct the petitioner to submit a representation to the third respondent-Mandal Revenue Officer, Kothacheruvu Mandal, Ananthapur District along with necessary demand draft, seeking allotment of essential commodities, within a period of two weeks from today, and on such representation, the third respondent-Mandal Revenue Officer is directed to supply the commodities, if the authorisation of the petitioner as temporary dealer is in force.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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N.V. RAMANA, J

Date: 21-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Ananthapur District.
2 The Revenue Divisional officer, Penukonda, Ananthapur District.
3 The Mandal Revenue officer, Kothacheruvu Mandal, Ananthapur District.

4 Two Ccs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad (OUT).

5 Two CD copies

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